THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT APPEAL NO.1255 OF 2005

Date: 05-09-2005

Between:

M/s Lakshmi Talkies …Appellant

And

The Collector & Licensing Authority,

Kakinada and others …Respondents

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT APPEAL NO.1255 OF 2005

J U D G M E N T (Per the Hon'ble Sri Bilal Nazki, ACJ)

Heard learned counsel for the parties.

Against the order of refusal to extend licence, the writ petitioner/appellant has filed an appeal. Pending that appeal, he filed the writ petition and before the learned Single Judge, the grievance of the writ petitioner was that the appellate authority was not considering his appeal nor was even disposing of the application seeking interim relief. The learned Single Judge directed the appellate authority to dispose of the appeal or the application for interim relief expeditiously and in any event within a period of two weeks from the date of receipt of the order. The writ petitioner is aggrieved of this order. We fail to understand as to what can be the grievance against the order passed by the learned Single Judge. This Court cannot assume the jurisdiction of the appellate authority and see for itself whether the order appealed against was illegal or otherwise. The Court has already granted directions for expeditious disposal of the appeal. The learned counsel for the appellant, however, submits that although the order was passed on 10th June, 2005, the appeal is yet to be decided. It is true that the order was passed on 10th June, 2005, but this writ appeal was filed within 20 days thereafter. Therefore, it is normal for the appellate authority to wait for the disposal of this writ appeal. Even otherwise, learned counsel for the respondents submits that notice was given to the writ petitioner by the appellate authority to appear, but even against that notice, a writ

petition was filed. In this view of the matter, the writ appeal is misconceived, which is accordingly dismissed. No order as to costs.

_____

(Bilal Nazki, ACJ)

5th September, 2005

_____

(R.Subhash Reddy,J)

-

-

vrn